

Remark

In light of the new rejections and new references, Applicants thank the Examiner for applying the regulations properly and resetting the period with a non-final rejection. Applicants respectfully request reconsideration of this application as amended. Claim 1 has been amended. Claim 8 has been canceled. Therefore, claims 1-7 and 9-25 are now presented for examination.

35 U.S.C. §101 Rejection

Claims 1-10 are rejected as not falling within one of the four categories of invention. The Examiner suggests that the method claims must be tied to a particular apparatus. Applicants have amended Claim 1 to further strengthen the ties to hardware. If these amendments are considered to be insufficient or if the Examiner prefers another approach, the Examiner is encouraged to please contact the undersigned to discuss other possibilities.

35 U.S.C. §103 Rejection

Ross and Chiba

Claims 1, 2, 4, 5, 7, 9-12, 16, and 18-21 are rejected under 35 U.S.C. §103(a) as obvious over Ross et al U.S. Patent No. 5,880,775 (“Ross”) in view of Chiba et al. U.S. Patent No. 5,614,960 (“Chiba”). Ross and Chiba both show surveillance systems that are able to determine when there is a change in the video images. In Ross, if the average pixel count changes, then a VCR is turned on for a preset period. In Chiba if the “amount of codes” changes then a change of scene mark is inserted into the video stream.

Applicants have not studied the 100 page Chiba reference thoroughly, but it would appear

that the “amount of codes” is some sort of total of values of the digital words used to encode each image. If so, then it is similar to the average pixel value as a high level single number that can be used to determine if one image is significantly different from the next.

The Examiner combines these references to find that it would be obvious to track the average pixel count and, upon detecting a change, then to insert a change of scene mark into the video stream. The Examiner then reads this combined device onto the present claims.

Claim 1 refers to “auxiliary information regarding a first [or current] frame.” This is not further defined in frame 1. In order to apply the references, the Examiner must read this as the actual frame data or encoded frame data.

There is difficulty in this because, Claim 1 refers to “an annotation to the video frame data for the current video frame [of a sequence of video frames].” So Claim 1 has video frame data and auxiliary information regarding the video frame data. These two statements must refer to different things, but the Examiner’s reading requires that they both refer to the data for the images that make up the video sequence.

Claim 1 then refers to “differential information.” This information is determined in the comparison step. In order to apply the references, the Examiner must read this on the difference between the average pixel values or “the difference in the amount of codes,” or “the sum of the absolute values of the differences.” (Col. 36, lines 4-13).

However, Claim 1 then recites “annotating the differential information to the video bit stream.” There is nothing in either reference to suggest that differences in average pixel values or amounts of codes be annotated to an image or to video frame data. Instead, Chiba shows a mark.

The differences above are substantial and significant. They reflect the fundamental difference between the present invention and the references. The references show an approach for evaluating images and then performing an action based on the analysis. The present invention is directed to annotating the images with additional or auxiliary information. In the present invention, the auxiliary information is compared in order to simplify the annotations. In the references the images are analyzed in order to activate the security/surveillance system.

Claim 3 (neither rejected nor allowable) strengthens this distinction in reciting that the “auxiliary information comprises additional non-visual information regarding video frames.” In the references, the evaluated information is visual information.

Claim 6 (neither rejected nor allowable) similarly strengthen this distinction in reciting that “the encoded differential information [that is annotated to a frame as auxiliary information] comprises a list of parameters, the parameters being described in a tag lookup table.” Such a list of parameters cannot be read onto the change of scene marker or the difference information in the references.

For these reasons, the rejection to all of the rejected claims are believed to be traversed.

Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter. These claims remain in the application.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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